

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CITGO PETROLEUM CORPORATION,

§

Plaintiff,

§

v.

CIVIL ACTION NO.
4:16-cv-00952

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND,

§

Defendant.

§

JOINT MOTION TO ENTER FINAL JUDGMENT

Plaintiff CITGO Petroleum Corporation (“Plaintiff”), together with Defendant Fidelity and Deposit Company of Maryland (“F&D”), file this Joint Motion to Enter Final Judgment, and would respectfully show the Court as follows:

1. On November 1, 2016, this Court issued its Memorandum Opinion and Order (Docket Entry No. 26) granting F&D’s Motion for Summary Judgment and Brief in Support Thereof (Docket Entry No. 18), noting therein that the only issue remaining before the Court was F&D’s counterclaim for attorney’s fees.

2. The parties have entered into a Mutual Release and Settlement Agreement (the “Agreement”) settling F&D’s counterclaim. Pursuant to the Agreement, the parties agree that this Court’s Order granting F&D’s Motion for Summary Judgment will remain in place and become final, but that this Court will dismiss F&D’s counterclaim for attorney’s fees with prejudice.

Wherefore, for the foregoing reasons, the parties respectfully request this Court to enter the proposed Final Judgment and Order of Dismissal filed simultaneously herewith.

Respectfully submitted,



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